#### TIPP CITY COUNCIL MEETING

**JANUARY 7, 2008** 

### TIPP CITY, MIAMI COUNTY, OHIO

President William D. Beagle called to order the regular meeting of the Tipp City Council at 5:33 p.m. Roll call showed the following Council Members present: Vickie K. Blakey, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Finance Director Richard Drennen, Fire Chief Steve Kessler, City Engineer/Service Director Scott P. Vagedes, EMS Chief Mark Senseman, Police Chief Tom Davidson, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Matt Clevenger, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Michael McFarland, John Kessler, Pat Ahlstrom, Brian DeSantis, Jamie Evans, Georgia Heisey, Charles E. Heisey, Nancy McAlexander, Don McAlexander, Matthew Evans, Steven Chaney, Don and Emma Wrey, Betsy Cotton, Lori Francis, David Watkins, Tom and Susan Behm, Donna Cook, Judy Hartman, Roselyn Lovett, Joe Gibson, Pamela Hale, Joseph Kourne, and Scott M. Brownlee.

Pastor Jeff Seekins from the Community Bible Church delivered the invocation. President Beagle led the Pledge of Allegiance.

Judge Mel Kemmer administered the oath of office to Dolores A. Gillis, John E. Kessler, and George H. Lovett. The newly elected City Council Members took their seat at the dais.

Mr. Beagle nominated Patrick A. Hale as the new Council President, seconded by Mr. Lovett. There being no other nominations, the nominations were closed with a motion made by Mr. Evans, seconded by Mr. Lovett. The motion carried 6-0. Mr. Hale abstained from the vote. A roll call vote was taken on the appointment of Patrick A. Hale as President of Council. The motion carried with a vote of 6-0. Mr. Hale abstained.

Mr. Lovett moved to nominate Tim E. Evans as the new Mayor, seconded by Mr. Beagle. There being no other nominations, Mr. Beagle declared the nominations closed following a motion by Mr. Lovett, seconded by Mr. Kessler. The motion carried 6-0; Mr. Evans abstained. A roll call vote was taken on the appointment of Tim E. Evans as Mayor. The motion carried. 6-0. Mr. Evans abstained.

Tim E. Evans was sworn in as the Mayor of Tipp City by Judge Mel Kemmer.

Mr. Lovett moved to approve the agenda, seconded by Mr. Beagle. The motion unanimously carried.

Mayor Evans moved, seconded by Mr. Lovett, to adopt the minutes of the December 17, 2007 City Council Meeting. The motion carried 7-0.

### Roll Call

Invocation and Pledge of Allegiance

Oath of Office Council Members

Council Reorganization

Oath of Office Mayor

Approval of Agenda

**Adoption of Minutes** 

Resolutions (One Reading Required) Resolution 01-08 Canal to Kyle Park Bikeway Bid Award

Ordinances (First Reading)

East Broadway Avenue Permanent Easement The following resolution was presented to City Council for adoption.

Resolution 01-08: A resolution authorizing the City Manager to enter into a contract with Finfrock Construction Company Inc., of Covington, Ohio for the construction of the Tipp City Canal Lock Park to Kyle Park Bikeway Trail Project at a cost of \$134,865.

Clerk of Council Summary: This resolution will allow for the completion of +/-2,250 lineal feet of bikeway, using both local and Ohio Department of Transportation grant monies. Ten bids were received, and Finfrock was determined to be the lowest and most responsive bid.

Acting City Manager Report: Mr. Vath noted that the lowest bidder failed to complete ODOT mandated forms, while the second lowest bidder completed all forms and bid documents. The Law Director reviewed all bids, bid packages, and legal precedent regarding this recommendation.

Mrs. Blakey asked for an update on the Township's portion of the bikeway. Mr. Vath anticipated that their portion of the bike trail would be complete in late 2008 or early 2009. Mr. Vagedes added that the Township would begin bidding the project in April of 2008.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mr. Kessler. The motion carried with a vote of 7-0. Resolution 01-08 was declared passed and President Hale affixed his signature in witness thereto.

The following ordinances were presented to City Council for first reading. The second reading and public hearing will be held on January 21, 2008

Mayor Evans sponsored an ordinance authorizing the City Manager to execute the necessary documents to grant a perpetual easement with the right of reverter on certain public property located adjacent to 211 S. First St. and declaring an emergency for the reasons set forth herein.

Clerk of Council Summary: This ordinance will grant a 2 ½ foot by 100 foot easement to the current and future property owners of 211 South First Street. The building was constructed with the northern wall within the East Broadway Avenue right-of-way.

Acting City Manager Report: Mr. Vath noted that the property owner hired a surveyor to replat several of the existing inlots. During the replatting process an encroachment into the East Broadway Avenue right-of-way was discovered. The City has been working with the owner and the potential purchaser on an acceptable solution. Mr. Vath noted that this ordinance would grant a perpetual easement for the encroachment for a purchase price of 1% of the property sale value. He noted that the ordinance was drafted as an emergency ordinance and would become effective upon passage, which was necessitated by a January 31, 2008 deadline for completion of the sale/purchase.

Motions
Board Appointments
Planning Board

Board of Zoning Appeals (BZA)

Restoration and Architectural Board of Review

Civil Service Commission

Board of Tax Appeals

Tree Board

President Hale opened the nominations for three appointments to the Planning Board for three year terms ending on December 31, 2010. Mr. Kessler nominated Joseph Gibson; Mrs. Blakey nominated John Berbach; Mayor Evans nominated Mark J. Springer; Mr. Lovett nominated Robert C. Horrocks. There being no other nominations, Mr. Beagle moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee; Mark J. Springer, Robert C. Horrocks, and John Berbach were reappointed to the Board.

President Hale opened the nominations for two appointments to the Board of Zoning Appeals for three year terms ending on December 31, 2010. Mayor Evans nominated John Borchers; Mr. Lovett nominated David Barrett. There being no other nominations, Mayor Evans moved to close the nominations, seconded by Mr. Lovett. The motion unanimously carried. A roll call vote was taken for each nominee; John Borchers was reappointed to the BZA and David Barrett was appointed to the Board.

President Hale opened the nominations for three appointments to the Restoration and Architectural Board of Review for three year terms ending on December 31, 2010, and one appointment for a partial term ending on December 31, 2009. Full term nominations were taken first. Mayor Evans nominated Janine Jackson Wert; Mr. Lovett nominated Robert Himes, Mr. Kessler nominated David A. Watkins. There being no other nominations, Mr. Beagle moved to close the nominations, seconded by President Hale. The motion unanimously carried. A roll call vote was taken for each nominee; Janine Jackson Wert and Robert Himes were reappointed to the Board for a full term. David A. Watkins was appointed to the Board for a full term. There were no nominations for the partial term vacancy. The Clerk of Council was directed to advertise this vacancy.

President Hale opened the nominations for two appointments to the Civil Service Commission for terms ending April 5, 2013. Mr. Lovett nominated John A. Miller. Mayor Evans moved to close the nominations, seconded by President Hale. The motion unanimously carried. A roll call vote was taken for nominee John A. Miller. Mr. Miller was reappointed to the Commission. The Clerk was directed to advertise the remaining vacancy for this Commission.

President Hale opened the nominations for three appointments to the Board of Tax Appeals for one year terms ending December 31, 2008. Mr. Beagle nominated Robert Blakey; Mayor Evans nominated Patti Berbach. Mr. Lovett moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee. Robert Blakey and Patti Berbach were reappointed to the Board. One full term vacancy remains on this Board. The Clerk was directed to advertise this vacancy.

President Hale opened the nominations for one appointment to the Tree Board for a three year term ending December 31, 2010. Mrs. Blakey nominated Tim Rambeau. Mayor Evans moved to close the nominations, seconded by Mr. Lovett. A roll call vote was taken for nominee Tim Rambeau. Mr. Rambeau was reappointed to the Board.

Parks Advisory Board

Community Reinvestment Area Council

Building Standard Board of Review

Economic Development Committee

MVRPC Planning Commission

MVRPC Technical Advisory Committee President Hale opened the nominations for three appointments to the Park Advisory Board for four year terms expiring on December 31, 2011. Mayor Evans nominated Douglas Slagel; Mr. Lovett nominated Patrick B. Hodges; Mrs. Gillis nominated David L. Mihalyo. Mr. Lovett moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee. Douglas Slagel, David L. Mihalyo and Patrick B. Hodges were appointed to the Board.

President Hale opened the nominations for two appointments to the Community Reinvestment Area Council for a three year terms expiring on December 31, 2010. Mr. Lovett nominated Patricia Liening; Mayor Evans nominated Maynard Watkins. Mr. Beagle moved to close the nominations, seconded by Mr. Lovett. The motion unanimously carried. A roll call vote was taken for each nominee. Patricia Liening and Maynard Watkins were reappointed to the Board.

Mayor Evans pointed out that the Board Directory listed the CRA vacancies as Mayor Appointees. He asked if City Council always made the appointments or if he should be making the appointments. He requested staff look into this matter. In addition, he asked that staff determine the term limits for this appointment if applicable.

President Hale opened the nominations for three appointments to the Building Standard Board of Review for terms ending on March 31, 2012. Mr. Kessler nominated John Borchers. Mr. Lovett moved to close the nominations, seconded by President Hale. The motion unanimously carried. A roll call vote was taken for the nominee. John Borchers was reappointed to this Board. Two partial term vacancies remain on this Board; the Clerk was instructed to advertise these vacancies.

President Hale opened the nominations to appoint three Council Members plus three staff members to the Economic Development Committee for one year terms ending on December 31, 2008. President Hale nominated Mr. Beagle; Mr. Lovett nominated Mrs. Gillis; Mr. Beagle nominated Mayor Evans; Mr. Beagle nominated Richard Drennen; and Mayor Evans nominated Bradley C. Vath. Mr. Beagle moved to close the nominations, seconded by Mr. Lovett. The motion unanimously carried. A roll call vote was taken for each nominee. Beagle, Gillis, Evans, Drennen, and Vath were appointed to this Committee. One staff position remains vacant for this Committee.

President Hale opened the nominations to make appointments for the Miami Valley Regional Planning Commission as a representative (Councilmember) and alternate (Council Member or Staff) for one year terms ending on December 31, 2008. Mayor Evans nominated Mrs. Gillis as the representative and Mr. Lovett nominated President Hale as the alternate. Mayor Evans moved to close the nominations. The motion unanimously carried. A roll call vote was taken for each nominee. Mrs. Gillis was appointed representative and President Hale was appointed as an alternate for this Committee.

President Hale opened the nominations to make appointments for the Miami Valley Regional Planning Commission's Technical Advisory Committee as a representative (Staff) and alternate (Staff) for one year terms ending on December 31, 2008. Mayor Evans nominated

Tipp City Volunteer Fireman's Dependent Board

Tipp-Monroe Community Services Advisory Board

Tax Incentive Review Council

Tipp Improvement Corporation Board

Tipp-Monroe Education Fund DARE Advisory Board

Ohio Municipal Electric Association Board Scott Vagedes as the representative and Mr. Beagle nominated Mr. Vath as the alternate. Mr. Lovett moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee. Mr. Vagedes was appointed representative and Mr. Vath was appointed as an alternate for this Committee.

President Hale opened the nominations to appoint two Council Members to the Tipp City Volunteer Firemen's Dependent Board for a one year term ending on December 31, 2008. Mr. Beagle nominated Mr. Lovett and Mr. Lovett nominated Mrs. Blakey. Mayor Evans moved to close the nominations, seconded by President Hale. The motion unanimously carried. A roll call vote was taken for each nominee. Mrs. Blakey and Mr. Lovett were appointed to this Board.

President Hale opened the nominations to appoint one Council Member as representative and one as alternate to the Tipp-Monroe Community Services, Inc. Advisory Board for one year terms expiring on December 31, 2008. President Hale nominated Mr. Beagle to serve as the representative and Mr. Beagle nominated Mrs. Blakey to serve as the alternate. Mr. Lovett moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee. Mr. Beagle was appointed representative and Mrs. Blakey was appointed as an alternate for this Board.

President Hale opened the nominations to make two appointments to the Tipp City Tax Incentive Review Council for one year terms ending on December 31, 2008. Mr. Beagle nominated Mr. Drennen and Mayor Evans nominated Mr. Vath. Mayor Evans moved to close the nominations, seconded by Mr. Lovett. The motion unanimously carried. A roll call vote was taken for each nominee. Mr. Drennen and Mr. Vath were appointed to this Council.

President Hale opened the nominations to appoint all Council Members plus four staff members to the Tipp Improvement Corporation Board for one year terms ending on December 31, 2008. President Hale nominated all of the City Council Members; Mayor Evans nominated Mr. Moore; Mr. Lovett nominated Mr. Eichman; Mr. Beagle nominated Mr. Vath; and Mrs. Blakey nominated Mr. Drennen; Mr. Beagle moved to close the nominations, seconded by Mayor Evans. The motion unanimously carried. A roll call vote was taken for each nominee. All City Council Members, Mr. Moore, Mr. Eichman, Mr. Vath, and Mr. Drennen were appointed to this Board.

President Hale opened the nominations to appoint one Council Member to the Tipp-Monroe Education Fund DARE Advisory Board for a one year term ending on December 31, 2008. Mayor Lovett nominated Mr. Beagle. Mayor Evans moved to close the nominations, seconded by President Hale. The motion unanimously carried. A roll call vote was taken for the nominee. Mr. Beagle was appointed to this Board.

President Hale opened the nominations to appoint one Council Member as a representative to the OMEA board and one staff member as an alternate for one year terms ending December 31, 2008. Mayor Evans nominated Mr. Lovett as the representative and President Hale nominated M. J. Eichman as the alternate. Mr. Beagle moved to close the nominations, seconded by Mayor Evans. The motion unanimously

Downtown Tipp City Partnership

2008 Main Street Banner Requests

Liquor Permit

Citizen Comments

Council Member Comments carried. A roll call vote was taken for each nominee. Mr. Lovett was appointed representative and Mr. Eichman was appointed as an alternate for this Board.

President Hale opened the nominations to appoint one Council Member and one staff representative to the Downtown Tipp City Partnership for one year terms ending December 31, 2008. Mrs. Blakey nominated Mr. Kessler as the City Council representative and Mr. Lovett nominated Mr. Vath as the City representative. Mayor Lovett moved to close the nominations, seconded by Mr. Lovett. The motion unanimously carried. A roll call vote was taken for each nominee. Mr. Kessler and Mr. Vath were appointed to this Board.

Mayor Evans moved to approve the Main Street banner requests as submitted for 2008, seconded by Mr. Kessler. The motion carried 7-0.

Mrs. Blakey moved to not request a hearing for the proposed transfer of the liquor permit for BP Station at 1016 West Main Street, seconded by Mr. Beagle. The motion unanimously carried.

Joseph Kourne, Kettering, OH, acknowledged his support of the soldiers overseas and wished for their safe return. He encouraged citizens to purchase American made products in an effort to keep factories open in the United States. He welcomed the new Mayor, President, Acting City Manager, and City Council Members.

Mr. Beagle welcomed new Council Members Gillis and Kessler. He then congratulated Mayor Evans and President Hale on their appointments.

Mayor Evans welcomed Gillis and Kessler then congratulated President Hale. He thanked Council for supporting him as Mayor. Mayor Evans wished the community a Happy New Year and a prosperous 2008.

Mr. Lovett congratulated the new Mayor and President. He thanked Mr. Beagle for his service as President over the past two years. He stated that it had been a thrill to serve as Mayor. Mr. Lovett welcomed the new Council Members. "Go Bucks!"

Mrs. Blakey welcomed Mrs. Gillis and Mr. Kessler to City Council.

Mr. Kessler stated that he was glad to be here, he thought.

Mrs. Gillis thanked the citizens who appointed her to City Council. She said that she would do her best while in office.

President Hale thanked Mr. Beagle and Mr. Lovett for their assistance over the past two years. He congratulated Mayor Evans on his appointment. President Hale thanked Don Ochs and Rick Mains for their past service. He welcomed Mrs. Gillis and Mr. Kessler to City Council. He then thanked City Council for their support and trust when appointing him Council President.

# Acting City Manager Comments

Adjournment

Mr. Vath stated that leaf collection had wrapped up. The Council packet included the annual Fire Department Report. He noted that the City was hiring a part-time custodian. Mr. Vath noted that Finance Director ended 2007 with a balanced budget. "Go Bucks!"

There being no further business, it was moved by Mayor Evans, seconded by Mr. Lovett, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 6:30 p.m.

Patrick A. Hale, President of Council

Misty Cheshire Clerk of Council

#### TIPP CITY COUNCIL STUDY SESSION

**JANUARY 7, 2008** 

**Study Session** 

Roll Call

Discussion -

NGCC Agreement & ISIF Financing and 2008 Ohio Department of Natural Resources **Grant Opportunities** 

TIPP CITY, MIAMI COUNTY, OHIO

Acting City Manager Bradley C. Vath opened the Study Session at 6:42 p.m. on this date.

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, Mayor Tim Evans, George H. Lovett, President Patrick A. Hale, John Kessler, and Dolores Gillis.

Others in attendance included: Michael McFarland, Finance Director Richard Drennen, Dayton Daily News reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Mr. Vath used the attached PowerPoint presentation to discuss past ODNR Recreational Trails Grant, natureWORKS, and Clean Ohio grants. He also focused on the agreement between the City and Gateway Center Development.

Mr. Vath stated that the City would have to skip the natureWORKS grant in 2008 because the City received a grant in 2007. He recommended the 2007 Recreational Trail Grant be re-submitted in 2008 if it was not funded in 2007.

Mr. Vath identified property (Senseman/Shell) on the east side of town that could be purchased, if funds become available, to help protect the City's well fields. Mr. Vath noted that if the Senseman or Timmer property were acquired down the road they would most likely be used as prairie land or an expansion of Kyle Park.

Mrs. Blakey asked if the City staff would be able to maintain additional park land without increasing personnel. Mr. Vath stated that the City could not need to add personnel if the land was converted into a prairie but if Kyle Park is expanded the City would have to determine if additional personnel was needed.

Mr. Kessler asked if seasonal hunting would be permitted in those areas. Mr. Vath stated that fire arms are not allowed to be discharged within City limits. He stated that he would need to speak with Chief Davidson to determine if bow hunting was allowed. Mr. Drennen stated that he thought bow hunting was also prohibited.

Mr. Vath stated that a resolution to award design engineering for Kinna Drive and a resolution authorizing an agreement with Gateway Center Development would be on the January 21st agenda. Construction would begin in May or June of 2008.

Adjournment

City Council had no objections. The study session concluded at 7:35 p.m.

Hale, President of Council

### **ODNR RECREATIONAL TRAILS GRANT**

### HISTORY:

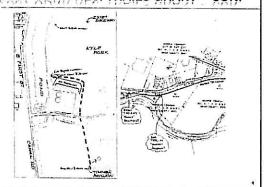
- x 2001 grant for Nature Center Rec. Trail +/-2,800', \$36,000 (80%) of \$45,000 project
- x 2002 grant for +/- 2,250' Multi Use Recreational Trail from City Park south along old Miami & Erie Canal to Canal Lock Park on City & MCD properties, \$90,000 of \$199,445 construction project
- x 2004 applied for grant for trail segment from Canal Lock to Kyle Park, but withdrew after ODOT awarded CMAQ grant for same.

## 2007 ODNR REC. TRAILS GRANT

### 2007 Application - Kyle Park & Nature Ctr.:

- \* Combine with existing ODOT grant (PID 77432) to connect from Ross Road to Concord Township.
- Construct +/-2,700' of 10' wide multi-use recreational trail in Kyle Park and +/- 900' at northern edge of the Nature Center.
- × One property owner (City of Tipp City)
- ✗ Preliminary anticipated project costs \$280,000
  - + ODNR Grant \$224,000 (80%)
  - + City \$56,000 (20%)
- Application is still pending and NO word as to status from ODNR, announcement was due 8/07.

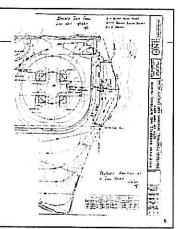
### 2007 ODNR REC. TRAILS GRANT - CON.



### NATUREWORKS GRANTS HISTORY

- × 2001/2 Canal Lock Park Project + Parking lot & start of bikeway.
- x 2003 Bikeway within City Park and Nature Center.
- x 2007 Kyle Park Dog Park Project
  - + \$13,700 for fencing of the Dog Park.
- \* NatureWORKS does not award back to back projects to the same jurisdiction, so Tipp City must skip calendar year 2008.

## **DOG PARK** SITE PLAN



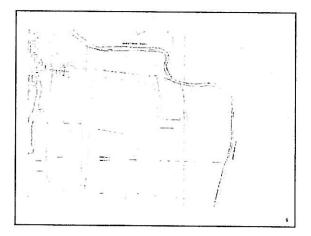
### OPNR ADMINISTERED NATURAL RESOURCE PROTECTION & IMP. (CLEAN OHIO)

### HISTORY:

- In 2003, purchased +/- 98.2 acres (Freeman's Prairie) & +/- 17 acres of flood plain adjacent to Great Miami River for preservation and well field protection, stream bank conservation easements, joint application with Miami Conservancy District (MCD) acting as led agency.
- x TOTAL Cost \$844,000
- Clean Ohio Grant \$300,000, Tipp City WRRSP monies \$ 267,000, and other sources +/-\$277,000

### CLEAN OHIO GRANT (FUTURE)

- Purchase Senseman/Shell +/-130.2 acres east and south of well fields, and north of Kyle Park to Great Miami River.
- ★ Preliminary anticipated Project Costs \$550.000
- Potential "future" project if funding can be secured for project, currently estimate over \$190,00 Tipp City match.
- \* Partnership with MCD or MC Park District is ideal for this project.



# INDUSTRIAL SITE IMPROV. FUND (ISIF) GRANT KINNA DRIVE PROJECT

- \* \$1M Project installs 800' northerly and +/-700' southerly on Kinna Drive
  - + \$500K ISIF grants
  - + \$279K City monies
    - × 300K \*cap\* for each party
  - + \$281K Private monies
    - × +/-\$90K for ROW donation
- Notes must be issued for Construction costs.
  - + Feb. 2008 Note Ordinance
  - + April 2008 Note Closing



### ISIF - KINNA DRIVE (CON.)

- \* Agreement/Partnership between City and Gateway Center Development, Ltd. (GCD)
  - + GCD provides +/-2.83 acres of ROW
  - + GCD reimburses City their share within 14-days
  - + GCD "locks-in" prices on lots for 5-years
  - + City coordinates project: hires engineer, subdivision, financing, bidding construction, etc.
- RFP solicited and received for Design Engineering Services for Kinna Drive Project
  - + Norfleet, Bown & Petkewicz recommended \$26,000 (original estimate @ \$60,000)

### **RECOMMENDATIONS & ACTIONS!**

- ODNR natureWORKS grant: + MUST skip 2008 application
- \* ODNR Recreational Trail Grant:
- + Re-submit 2007 Project, if not funded.
- + May have more Recreational Trail monies in 2008.
- Future: Natural Resource Protection & Improvements Grants (Clean Ohio):
  - + Purchase jointly with the Miami Conservancy District the Senseman/Shell +/- 130.2 acres immediately east and south of the well fields on SR571.
- \* ISIF Project:
  - + 1.21.2008 Resolution to award Design Engineering
  - + 1.21.2008 Resolution to authorize the City Manager to execute Agreement with GCD for the project.
  - + Note Issuance Feb. 2008 thru April 2008.
  - + Construction and commence in May/June 2008.

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